

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on June 1, 2015.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS
HELD AT WYOMING CITY HALL

May 18, 2015

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present: Dykhouse Lomonaco Meeter
 Postema VanderSluis

Members absent: Beduhn Palmer

A motion was made by Lomonaco, and seconded by Dykhouse to excuse Beduhn.

Motion carried: 5 Yeas 0 Nays

Other official present: Tim Cochran, City Planner

A motion was made by Postema, and seconded by Dykhouse to approve the minutes of the April 20, 2015 Board of Zoning Appeals meeting.

Motion carried: 5 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V150021 P.P. #41-17-10-326-009
Jennifer Hasmanis
2419 Boulevard
Zoned R-2

The application requesting a variance from the City of Wyoming Zoning Code was read by Secretary Lomonaco as follows:

Zoning Code Section 90-891 Residential Districts requires a front yard setback of 35 feet in this R-2 Single Family Residential District. The existing front yard setback is 33 feet. The petitioner desires to construct an addition 4.5 feet further into the front yard to enclose the front porch. The requested variance is to allow a front yard building setback of 28.5 feet, which is 6.5 feet below the required 35 foot front yard setback.

Chairman VanderSluis opened the public hearing.

Mike and Jennifer Hasmanis explained the current porch does not have a cover. They would like to add a cover and posts, and update the façade of the home.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran referred to an aerial of the area where the house is located. He noted the neighborhood is 50-60 years old. There is varying setbacks in the area. Staff looked at the character of the neighborhood. The owners desire to extend the roof and steps as an improvement to the house. This will not be out of character with neighboring properties. There will be negligible impact. Staff had provided Finding of Facts in support of the variance for the Board's consideration.

A motion was made by Postema and seconded by Lomonaco that the request for a variance in application no. V150021 be granted, accepting staff's Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the petitioner proposes to extend the porch roof to cover the front steps. The front steps are deteriorating and will be covered with a composite decking. The roof extension will extend out 4.5 feet, and would come to within 28.5 feet of the front property line. This is 6.5 feet below the required 35 foot front yard setback of this R-2 Single Family Residential district. The existing building setback is 33 feet, which is 2 feet less than required in the district. Many of the homes in this area were constructed in the 1940's and do not meet current front yard setback requirements. Several are located nearby on Boulevard Drive. The proposed roof extension would not be out of character with other properties in this vicinity.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the petitioner is undertaking this remodeling to stabilize and enhance their residence. The authorization of the requested variance allows this to occur.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the proposed improvement to the property will contribute to the overall appearance and marketability of the neighborhood. The improvements will have no impact on traffic.
4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because due to the age of the residences in this area of Wyoming, there are varying front yard setbacks. Most maintain the current standard of 35 feet. Variances to front yard setback requirements are best considered on an individual basis to maintain the specific streetscape character. The R-2 Single Family Residential District is extensive, extending from the northern City limits to 44th Street, and includes thousands of platted lots.

Motion carried: 5 Yeas 0 Nays (Resolution #5579)

PUBLIC HEARING:

Appeal #V150022 P.P. #41-10-20-403-005
Exxel Engineering, Inc.
2151 Chicago Dr. S.W.
Zoned I-2

The application requesting a variance from the City of Wyoming Zoning Code was read by Secretary Lomonaco as follows:

Zoning Code Section 90-893 Nonresidential Districts requires a side yard setback of 10 feet in this I-2 General Industrial District. The existing buildings side yard setback is 9.6 feet. The petitioner desires construct a 6,000 square foot building addition to the north which would continue the existing side wall. The addition would come to within 8.8 feet of the side property line. The requested variance is to allow a side yard building setback of 8.8 feet, which is 1.2 feet below the required 10 foot side yard setback.

Chairman VanderSluis opened the public hearing.

Tim Fredericks, the project contractor, explained the existing building runs on an angle to the property line. Extending the line of the building with the addition will affect the setback to the lot line.

There being no further remarks, Chairman VanderSluis closed the public hearing.

Cochran said the owner wished to put on an addition to the rear of the building. The existing building already encroaches in the side yard setbacks. The owner would like to maintain the building line on the east side. The property is located in the flood plain, and has a power line easement that impacts any available building area. The Fire Department had reviewed the proposed building addition and has no objections. Staff support the variance request, and had provided Finding of Facts for the Board's consideration.

A motion was made by Postema and seconded by Meeter that the request for a variance in application no. V150022 be granted, accepting staff's Finding of Facts.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or class of use in the same vicinity and district because the petitioner proposes to construct a 6,000 square foot addition to the existing business. The addition would continue the existing east side wall. The addition would come to within 8.8 feet of the side property line, which is 1.2 feet below the required 10 foot side yard setback. The existing building has a current side yard setback of 9.8 feet, which is 0.2 feet below the current requirement. The proposed reduction in the side yard setback for the addition will not significantly alter the relationship of the building with the property line. The addition will meet required Building Codes, and the Fire Department has identified that they can adequately service the development if needed.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights because the addition will allow for improved business operations on the property. This will enhance property rights.
3. That the granting of such variance will not diminish the marketable value of adjacent land and improvements, or unduly increase congestion in the public streets because the adjoining property to the east has a building which is located within the side yard setback. The requested side yard variance will not diminish the marketable value of the adjacent lands, and will not unduly increase congestion along Chicago Drive.

4. That the condition or situation of a specific piece of property, or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation because due to the existing building's location on the property, there is limited opportunity for expansion of the building which is otherwise entitled by the Zoning Ordinance.

Dykhouse asked if there were any concerns regarding parking.

Cochran answered there were no concerns.

Meeter asked if there was a pylon in the power line easement.

Mr. Frederick said there was, however approval had been obtained to move the building closer.

Motion carried: 5 Yeas 0 Nays (Resolution #5580)

There were no public comments at the meeting.

The new business items were discussed by Cochran and the Board members.

The Board acknowledged Blair Dykhouse's resignation and his years of service. They extended their gratitude.

In addition the Board welcomed the new member David Meeter.

The meeting was adjourned at 1:48 P.M.

Canda Lomonaco
Secretary

CL:cb